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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,363	09/08/2003	Gene Gould	P 016417 305324	2112

27500 7590 10/30/2007
PILLSBURY WINTHROP SHAW PITTMAN LLP
ATTENTION: DOCKETING DEPARTMENT
P.O BOX 10500
McLean, VA 22102

EXAMINER

EVANS, FANNIE L

ART UNIT	PAPER NUMBER
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2877

MAIL DATE	DELIVERY MODE
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10/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,363

Applicant(s)

GOULD ET AL.

Examiner

F. L. Evans

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 and 25 is/are allowed.
- 6) ☒ Claim(s) 27 is/are rejected.
- 7) ☒ Claim(s) 23, 24, 26 and 28-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR § 1.114

A request for continued examination under 37 CFR § 1.114, including the fee set forth in 37 CFR § 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR § 1.114, and the fee set forth in 37 CFR § 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR § 1.114. Applicant's submission filed on October 17, 2007 has been entered.

Claim Objections

Claims 23, 24, 26, 33 and 34 are objected to because of the following informalities:

In line 2 of claim 23, "the excitation light" lacks antecedent basis.

In line 1 of claim 26, "the output director" lacks antecedent basis.

In line 2 of claim 26, "the output port" lacks antecedent basis.

In line 2 and bridging lines 2 and 3 of claim 33, "the excitation light" lacks antecedent basis.

Claims 24 and 34 inherit the problem of the claim from which they depend.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 27 is rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Doyle (US 4,57,390), newly cited.

Doyle discloses a reflection light transfer module (22) comprising: an input mirror (mounted on mirror support 82) capable of directing an excitation light to a sample (86); an output mirror (mounted on mirror support 84), positioned on a common axis with the input mirror and capable of collecting an emitted light from the sample, the emitted light being emitted by the sample in response to illumination of the sample, wherein the sample is positioned substantially coaxially with the output mirror and the output mirror directs the emitted light away from the sample. Applicant is directed to Doyle in its entirety with particular attention directed to the reflection light transfer modules in Figs. 3, 4, 6, 8 and 9.

Allowable Subject Matter

Claims 20-22 and 25 are allowed over the prior art of record.

Claims 28-32, 35 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23, 24, 26, 33 and 34 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

As to independent claim 1, the prior art of record, taken alone or in combination, fails to disclose or render obvious a reflection light transfer module including an output mirror for **focusing** light away from the area to be illuminated, in combination with the rest of the limitations of the claim.

As to dependent claims 28, 29 and 32, the prior art of record, taken alone or in combination, fails to disclose or render obvious a reflection light transfer module comprising the claimed sample holder, in combination with the rest of the limitations of the claims.

As to dependent claim 35, the prior art of record, taken alone or in combination, fails to disclose or render obvious a reflection light transfer module comprising an output director for directing the emitted light collected by the output mirror to a selected output port, in combination with the rest of the limitations of the claim.

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Response to Arguments


Applicant's arguments with respect to claim 27 have been considered but are moot in view of the new ground(s) of rejection.

Fax/Telephone Numbers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner whose telephone number is (571) 272-2414.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext 77. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


F. L. EVANS
PRIMARY EXAMINER
ART UNIT 2877

file
October 24, 2007